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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/832,553      | 04/11/2001  | Richard A. Holub     | HLB-001CV           | 2004             |

7590 10/01/2004

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| EXAMINER |
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BLACKMAN, ANTHONY J

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| ART UNIT | PAPER NUMBER |
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2676

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/832,553

**Applicant(s)**

HOLUB, RICHARD A.

**Examiner**

ANTHONY J BLACKMAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 27-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 and 27-31 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-7</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-2, drawn to a method for calibrating a color display coupled to the computer system, including 1 or more screens, adjusting white balance, gamma and tone, classified in class 345, subclass 604.
- II. Claims 3 and 7-18, drawn to calibrating a color display, increasing contrast, raising and lowering brightness, and calibration, classified in class 345, subclass 594.
- III. Claim 4, drawn to measuring, self-calibration and monochromator classified in class 345, subclass 593.
- IV. Claims 5-6, drawn to calibration in a network and adjusting one or more matching reference images, classified in class 345, subclass 600.
- V. Claims 19-26, drawn to white point balancing, classified in class 345, subclass 597.
- VI. Claims 27-29, drawn to modeling color of a display by comparing displayed screen to color screen, classified in class 345, subclass 591.

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VII. Claim 30, drawn to calibrating a color display user interface,  
classified in class 345, subclass 744.

VIII. Claim 31, drawn to system of colorimetry and spectral sensitivities  
and a color reference defining a mixture of a plurality of colorants,  
classified in class 382, subclass 167.

2. Inventions I, II, II, IV, V, VI, and VII are related as subcombinations disclosed as usable together in a single combination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (See MPEP § 806.05(d)). The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination as claimed does not require the particulars of the subcombinations. The subcombination has separate utility such as a method for calibrating a color display coupled to the computer system, including 1 or more screens, adjusting white balance, gamma and tone; calibrating a color display, increasing contrast, raising and lowering brightness, and calibration; measuring, self-calibration and monochromator; calibration in a network and adjusting one or more matching reference images; white point balancing; modeling color of a display by comparing displayed screen to color screen;

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calibrating a color display user interface; a system of colorimetry and spectral sensitivities and a color reference defining a mixture of a plurality of colorants.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Mr. Ken Lukacher, Reg. No. 38,539, provisionally elected claims 19-26 with traverse on or about 6/29/04.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by EVANICKY et al, US Patent No. 6,611,249.

4. As per claim independent claim 19, EVANICKY et al meets the following claim limitations,

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a method for measuring a user established white point balancing multiple color channels of a color display (col. 4, ll. 6-37) comprising the steps of:

- a) providing a reference for the color white (col. 4, ll. 6-18, col. 23, ll. 1-27);
- b) providing on the display the color white (col. 11, ll. 4-13 and col. 17, ll. 64-col. 18, ll. 3);
- c) adjusting the color channels of the display to change the color white on the display to visually match/("desired set of optical characteristics")the reference (col. 17, ll. 1-19); and
- d) measuring with a sensor directed to the display the adjusted color white to obtain an updated white point of the display (fig. 9, element 800b, col. 5, ll. 1-4, col. 4, ll. 6-37).

5. As per claim 20, EVANICKY et al meet limitations of claim 19, including, further comprising the step of storing the measured white point on a computer coupled to the display and sensor (col. 5, ll. 66-col. 6, ll. 12, and ll. 34-57, col. 13, ll. 14-28).

6. As per claim 21, EVANICKY et al meet limitations of claim 20, including, further comprising the step of updating color transformation information by the computer for displaying color in accordance with the measured white point (col. 4, ll. 6-37).

7. As per claim 22, EVANICKY et al meet limitations of claim 19, including,

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information by said computer of the measured white point with other computers via a network coupling said computer with said other computers (col. 6, ll.58-col. 7, ll. 12), in which said other computers are coupled to one or more color rendering devices and said other computers update color transformation information for said devices in response to said shared information to render color substantially the same as the color on the display (col. 6, ll.58-col. 7, ll. 12).

8. A per claim 23, EVANICKY et al meet limitations of claim 19, including, further comprising the step of illuminating the reference while said adjusting step is carried out (col. 4, ll. 6-37).

9. As per claim 24, EVANICKY et al meet limitations of claim 20, including, comprising the step of verifying the white point by repeating step (b) in accordance with the measured white point (col. 4, ll. 6-37), and repeating steps ( c) and (d) when the white color display does not match the reference (col. 4, ll. 6-37-please note that the process continues "...until a precise match is achieved").

10. As per claim 25, EVANICKY et al meet limitations of claim 19, including, further comprising the step of measuring tone reproduction curves/grayscale

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ramps in one or more color channels on the display with said sensor (figures 11a-11b/grayscale and col. 19, ll. 21-30).

11. As per claim 26, EVANICKY et al meet limitations of claim 25, including, further comprising the steps of:  
storing the measured white point and tone reproduction curves on a computer coupled to the display and sensor (col. 5, ll. 66-col. 6, ll.12); and  
updating color transformation information by the computer for the display in accordance with the measured white point and tone reproduction curves (col. 3, ll. 42-61 and col. 24, ll. 25-33).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ENGLEDRUM et al, US Patent Application Publication, Pub. No. 2002/0003903 disclose color correction of images over a computer network (figure 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 703-305-0833. The examiner can normally be reached on FLEX SCHEDULE.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 703-308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTHONY J BLACKMAN  
Examiner  
Art Unit 2676

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SUPERVISORY PATENT EXAMINER  
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